

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

SEALED

United States of America)

v.)

Case No.)

1:19-mj-1023)

OYEDELE BENJAMIN,
aka "BENJAMIN OYEDELE",
aka "FRANCIS CLIFFORD",)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of _____ (See Below) _____ in the county of _____ Marion _____ in the
Southern District of _____ Indiana _____, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C § 1344(1) and (2)

Count 1: Attempted Bank Fraud - Between on or before September 12, 2018
and on or about October 1, 2018.

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.
Complainant's signature

Ashley N. Tertocha, Postal Inspector, USPIs

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/05/2019

City and state: Indianapolis, Indiana


Judge's signature

Doris L. Pryor, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND
ARREST WARRANT**

I, Ashley N. Tertocha, Postal Inspector, United States Postal Inspection Service, having been duly sworn under oath, state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Postal Inspector (“PI”) with the United States Postal Inspection Service (“USPIS”) and have been so employed since August of 2018. I am currently assigned to the Indianapolis Field Office (part of the Detroit Division) External Crimes Team. As part of my job, I am responsible for investigating various federal crimes, including assault on federal officers, robberies, burglaries, mail theft, identity theft, access device fraud, and bank fraud. I attended the Postal Inspector Basic Training Academy, where I was trained in various law enforcement methods, including physical surveillance, interviewing, and financial analysis. I have participated in executing arrest warrants and search warrants.

2. This Affidavit is submitted in support of a criminal complaint charging **OYEDELE BENJAMIN A/K/A “BENJAMIN OYEDELE” A/K/A “FRANCIS CLIFFORD”**, date of birth XX/XX/1994, social security number XXX-XX-2259, with attempted Bank Fraud, in violation of Title 18, United States Code, Sections 1344(1) and (2).

- a. **Title 18, United States Code, Section 1344(1) and (2) (bank fraud)** prohibits a person from knowingly executing, or attempting to execute, a scheme or artifice (1) to defraud a financial institution; or (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.

3. The information contained herein was obtained from various sources, including, bank and/or corporate investigators, law enforcement personnel, and financial and corporate records. Wherever I assert a fact in this affidavit, I either have firsthand knowledge of that fact or have discussed the matter with one of the above-listed individuals or reviewed materials in support of the fact. In addition, I have only included the facts that I believe are sufficient to establish probable cause for the violations listed herein. I therefore have not included each and every fact known to me regarding this investigation.

II. PROBABLE CAUSE

4. On or about September 26, 2018, Postal Inspector Justin Adams was contacted by a Regions Bank¹ investigator, who informed him that a \$300,000 check was fraudulently deposited into Regions Bank account XXX4762 (redacted).

5. According to the Regions Bank investigator, on or about September 24, 2018, an individual opened Regions Bank business account XXX4762 at the Regions Bank Tower Branch located in Indianapolis, Indiana, for the business "Golf States Engineering Company Incorporated". I reviewed records provided by Regions Bank, which showed that when the account was established, the individual who opened the account provided a South Carolina driver's license in the name of "Francis Clifford". Additionally, the individual opening the account provided an Indiana business registration in the name of "Golf States Engineering Company Incorporated", as well as an Xfinity statement and IRS tax form that displayed the name "Francis Clifford".

¹ According to my training, experience, and knowledge of this investigation, I know that the deposits of Regions Bank are insured by the Federal Deposit Insurance Corporation.

6. The Regions Bank investigator also provided Postal Inspector Adams surveillance photographs and video, dated September 24, 2018, which displayed a black male who established Regions Bank business account XXX4762. The following is a screenshot from the surveillance video:

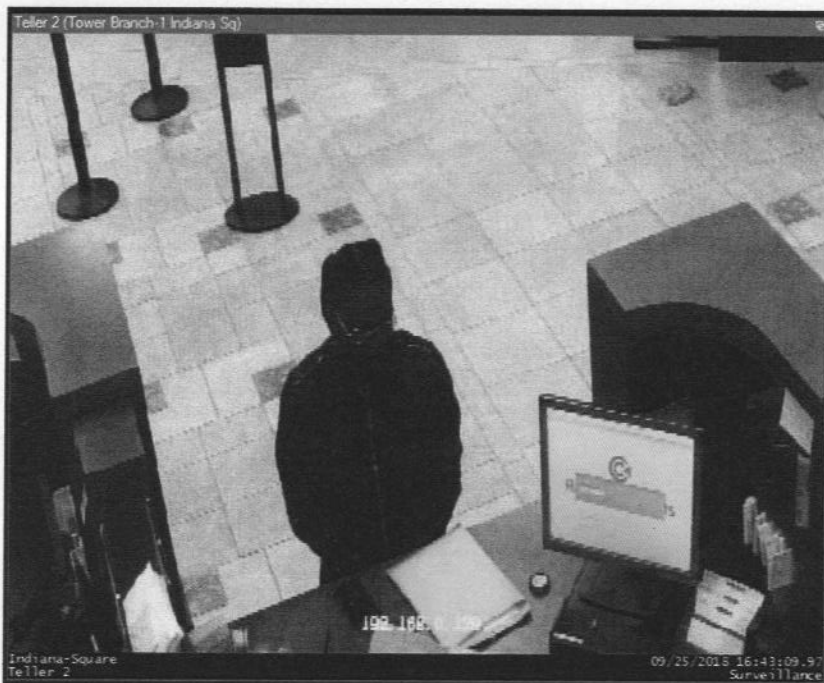


7. Postal Inspector Adams reviewed the Indiana Secretary of State website, which showed that on or about September 23, 2018, just one day prior to the above-individual opening the Regions Bank business account XXX4762, an individual registered the business "Golf States Engineering Company Incorporated" with the Indiana Secretary of State under the name "Francis Clifford".

8. On or about September 25, 2018, an individual deposited business check #140083, in the amount of \$300,000, into the Regions Bank business account XXX4762, at the Regions Bank Tower Branch in Indianapolis, Indiana. The payor listed on the check was the

company McInnis Brothers Construction, Incorporated (“McInnis”). The payee listed on the check was Gulf States Engineering Company, Incorporated.

9. A Regions Bank investigator provided Postal Inspector Adams surveillance photographs and video, dated September 25, 2018, which displayed the same black male who, purporting to be “Francis Clifford”, had established the business account XXX4762 on September 24, 2018, deposit business check #140083 into that account.



10. On or about September 27, 2018, PI Adams spoke with a McInnis representative, who advised that check #140083 was an authentic check that was intended to go to the business Gulf States Engineering Company, Incorporated. The McInnis representative stated that McInnis did not authorize the deposit of the check in Indianapolis, Indiana. Additionally, the McInnis representative stated that McInnis does not do business with a “Golf States Engineering Company”, the name of the company registered by Francis Clifford as described above.

11. According to Regions Bank, a stop and reverse payment was issued for the check because the deposit was unauthorized by the payor of the check. Subsequently, a person

identifying himself as Francis Clifford contacted Regions Bank to inquire as to when the funds from the check would be made available. The caller used the same telephone number as the one that had been provided to Regions Bank when the account was established.

12. On October 1, 2018, PI Adams reviewed law enforcement databases, which revealed that the South Carolina driver's license provided by Francis Clifford when opening the account was not issued by South Carolina.

13. Also on October 1, 2018, PI Adams spoke with a McInnis representative. The representative informed PI Adams that on or about September 12, 2018, an individual who purported to be a Gulf States Engineering Company, Inc. representative wrote an email to McInnis. Within the email, the individual requested McInnis wire funds to a Wells Fargo Bank account. After McInnis Brothers Construction informed the individual that the company could only issue a check, the individual requested the check be mailed to an apartment in Chicago, Illinois. On September 13, 2018, check # 140083 (the same check that was later deposited into the Regions Bank account) in the amount of \$300,000 was mailed to the Chicago, Illinois address. PI Adams received the email chain described by the McInnis representative and confirmed the occurrence of events.

14. In or about October 2018, a Regions Bank investigator provided Postal Inspector Adams with the original \$300,000 check that had been deposited into the Regions Bank account, and the original supporting documents used to create the account. This evidence was later submitted to the Indianapolis-Marion County Forensic Services Agency to be processed for latent prints.

15. In February 2019, the Indianapolis-Marion County Forensic Services Agency began processing the \$300,000 check and the account opening paperwork, (which included the IRS Forms, Indiana business registration form, and Xfinity statement).

16. The Indianapolis-Marion County Forensic Services Agency recovered latent prints off of the supporting documentation. On or about September 29, 2019, the Indianapolis-Marion County Forensic Services Agency informed me that the latent prints recovered from the supporting documentation used to establish Regions Bank account XXX4762 matched those of **OYEDELE BENJAMIN**.

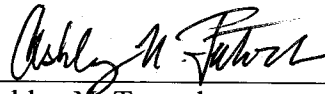
17. I then compared a known Illinois Department of Motor Vehicles (“DMV”) photograph of OYEDELE BENJAMIN to the September 24 and September 25, 2018, Regions Bank surveillance photographs and videos. Through the comparison, I believe that the OYEDELE BENJAMIN in the DMV photograph appears similar, if not identical, to the individual displayed in the surveillance photographs.

III. CONCLUSION

18. Based on the facts set forth in this affidavit, I respectfully submit that probable cause exists to believe that, during the time periods described below, in the Southern District of Indiana, **OYEDELE BENJAMIN A/K/A “BENJAMIN OYEDELE” A/K/A “FRANCIS CLIFFORD”** committed the following offenses:

- a. **Count 1:** Between on or before September 12, 2018 and on or about October 1, 2018, **OYEDELE BENJAMIN A/K/A “BENJAMIN OYEDELE” A/K/A “FRANCIS CLIFFORD”** committed attempted bank fraud, in violation of Title 18, United States Code, Section 1344(1) and (2), in that **BENJAMIN** and others knowingly, and with the intent to defraud, executed or attempted to execute, a

scheme or artifice to defraud Regions Bank, or to obtain money, funds, credits, assets, securities, or other property, or under the custody or control of Regions Bank, by means of false or fraudulent pretenses, representations or promises.



Ashley N. Tertocha
Postal Inspector
U.S. Postal Inspection Service

Sworn to and subscribed to before me this 5th day of November, 2019.



HONORABLE DORIS L. PRYOR
United States Magistrate Judge
Southern District of Indiana